

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALFREDO ALVAREZ, *parent of J.A., a minor*
child,

Plaintiff,

v.

TEXAS EDUCATION AGENCY,

Defendant.

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1:19-CV-921-RP

ORDER

Before the Court is Alfredo Alvarez’s Motion to Appoint Guardian/Attorney ad Litem. (Dkt. 3). In his motion, Mr. Alvarez seeks to be appointed as his son J.A.’s next friend for this lawsuit against Defendant Texas Education Agency (“TEA”). (*Id.*). Mr. Alvarez states that J.A. is now an adult. (*Id.*). Mr. Alvarez explains that he had sole custody over his son, J.A., per his divorce agreement and holds a signed Education Power of Attorney signed by J.A. (*Id.* at 1). TEA did not file an opposition to this motion. Later, in its First Amended Motion to Dismiss, TEA contends that Mr. Alvarez lacks standing to pursue his claims on his son’s behalf because his son is no longer a minor. (Dkt. 18, at 4–5). While the Court will address TEA’s standing argument in its order on TEA’s First Amended Motion to Dismiss, the Court notes that TEA concedes that it did not object to Mr. Alvarez’s Motion to Appoint Next Friend. (*Id.* at 5).

In *J.A. v. Corpus Christi ISD*, the Southern District of Texas appointed Mr. Alvarez as J.A.’s next friend in their lawsuit against Corpus Christ Independent School District. 384 F. Supp. 3d 773, 774–75 (S.D. Tex. 2019). The court in that case noted that “J.A. suffers from Fetal Alcohol Syndrome, a congenital syndrome characterized by cognitive defects. According to Plaintiffs, J.A. functions at the level of a first or second grade child. CCISD does not dispute this evidence and there is no indication that a conflict of interest exists between J.A. and Alvarez.” *Id.* at 774.

Additionally, in the Amended Complaint in this case, Mr. Alvarez alleges that J.A. “has significant cognitive impairments” and he was permitted to participate and make decisions on J.A.’s behalf at J.A.’s school before and after J.A. turned eighteen. (Dkt. 17, at 8).

For these reasons, **IT IS ORDERED** that Alfredo Alvarez is **APPOINTED** as J.A.’s next friend.

SIGNED on February 7, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE